

VIRGINIA:

IN THE CIRCUIT COURT FOR LEE COUNTY

JOSHUA HOWARD GOINS,

Plaintiff,

vs.

JUDY WALTON BARNEY,

Defendant.

JURY TRIAL DEMANDED

Case No. CLB050112

BILL OF COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the Plaintiff, Joshua Howard Goins, by counsel, and states the following for his Complaint against Judy Walton Barney (hereinafter referred to as "Defendant"):

1. That Plaintiff is, and at all times mentioned in this Complaint was, a resident of Lee County, Virginia.
2. That Defendant was, at the time mentioned in this Complaint, a resident of Pennington Gap, Lee County, Virginia. Defendant currently resides at White Oak Drive, Pennington Gap, Virginia.
3. Plaintiff, during the 1984-1985 school year, then a minor child, attended Dryden Primary School, Lee County, Virginia.
4. Defendant, during the 1984-1985 school year, was employed by the Lee County

Public School System. Defendant was employed as a fourth grade instructor at Dryden Primary School, Lee County, Virginia.

5. That on or about November 1, 1984, Plaintiff, then a minor child, remained at school following conclusion of the school day as a result of extracurricular activities. That while awaiting transportation home, Defendant encouraged Plaintiff to sit on her lap. That after becoming seated on Defendant's lap, Defendant removed Plaintiff's trousers and underpants exposing his genitals. That Defendant thereafter began to manually stimulate Plaintiff's genitals. That Defendant continued said inappropriate touching for a period of time between fifteen and twenty minutes.

6. That on or about July 1, 1985, the Plaintiff, then a minor child, encountered Defendant on the grounds of the Lee County Public Library located in Pennington Gap, Virginia. Defendant requested that Plaintiff enter her automobile. That Defendant and Plaintiff conversed for a period of time inside the automobile. That Defendant then removed her clothing and displayed her breasts to Plaintiff. That Defendant subsequently removed Plaintiff's trousers and underpants exposing his genitals. That Defendant thereafter orally stimulated Plaintiff's genitals.

7. That the Plaintiff, Joshua Howard Goins, then a minor child was unable, due to his minority, to consent to either instance of sexual touching and Plaintiff found the contact made on his person by Defendant to be harmful and offensive to Plaintiff's person and dignity.

COUNT I.

Sexual Battery

8. Plaintiff incorporates herein the allegations of Paragraphs 1-7 above.
9. Defendant's actions constituted sexual battery upon the Plaintiff.
10. Defendant's actions were intentional, willful and malicious.

11. As a direct and proximate result of Defendant's intentional conduct, Plaintiff was injured and damaged.

COUNT II.

Assault and Battery

12. Plaintiff incorporates herein the allegations of Paragraphs 1 to 11 above.

13. Defendant intended to cause, and did cause, Plaintiff to suffer apprehension of an immediate harmful contact prior to the inappropriate touching and resulting injuries. Further, Defendant intended to cause, and did cause, harmful and offensive contact to Plaintiff by touching Plaintiff's genitals and causing Plaintiff's resulting injuries.

14. As a direct and proximate result of Defendant's intentional conduct, Plaintiff was injured and damaged.

COUNT III.

Intentional Infliction of Emotional Distress

15. Plaintiff incorporates herein the allegations of Paragraphs 1 to 14 above.

16. Plaintiff became highly frightened and upset by Defendant's outrageous conduct, and Defendant's intentional and outrageous conduct toward Plaintiff was intolerable in offending generally accepted standards of decency and morality.

17. As a direct and proximate result of the outrageous and intolerable conduct of Defendant as alleged above, Plaintiff suffered severe emotional distress and mental pain and anguish, and was rendered highly nervous, frightened, and upset. Plaintiff has endured bouts of depression and anger as well as substance abuse. Plaintiff has been unable to maintain intimate relationships with the opposite sex. Plaintiff has displayed a lack of trust for female authority

figures. Plaintiff has demonstrated a drastic change in demeanor. The Plaintiff, as a parent to a minor child, maintains acute mistrust of those maintaining guardianship roles over his minor child.

18. As a direct and proximate result of Defendant's intentional conduct, Plaintiff was injured and damaged.

COUNT IV.

False Imprisonment

19. Plaintiff incorporates herein the allegations of Paragraphs 1 to 18 above.

20. Defendant's willful and intentional acts precluded and confined Plaintiff from contacting others, or otherwise, securing his safety from the unlawful and criminal acts of the Defendant.

21. Defendant, as a custodian and teacher, confined Plaintiff with the intent of endangering his health and safety and to achieve an unlawful purpose all of which exceeded her scope of authority.

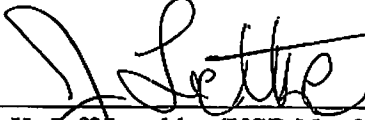
22. As a direct and proximate result of Defendant's intentional conduct, Plaintiff was injured and damaged.

WHEREFORE, Plaintiff demands judgment against the Defendant in the amount of Five Hundred Thousand Dollars (\$500,000.00), and their costs in this behalf expended as compensatory damages. Plaintiff demands judgment against the Defendant in the amount of Three Hundred Fifty Thousand Dollars (\$350,000.00), and their costs in this behalf expended as punitive damages.

That Plaintiff have such other and further relief as the Court deems just and proper. Trial by jury is demanded.

Respectfully submitted,

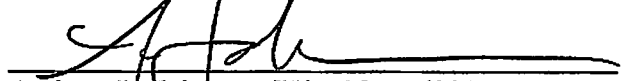
JOSHUA HOWARD GOINS

By: 

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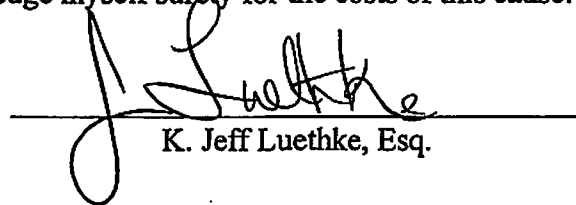
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COST BOND

I hereby acknowledge myself surety for the costs of this cause.


K. Jeff Luethke, Esq.